

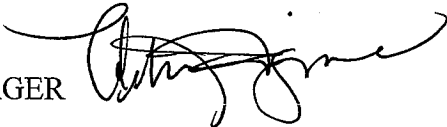


MEETING DATE: 9/18/06
ITEM NO. 11

COUNCIL AGENDA REPORT

DATE: September 7, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER 

SUBJECT: CONSIDER A REQUEST TO CHANGE THE ZONE FROM RM:5-12 TO RM:5-12:PD FOR A SEVEN LOT RESIDENTIAL SUBDIVISION AND APPROVAL TO DEMOLISH A SINGLE FAMILY RESIDENCE AND A 3-UNIT APARTMENT BUILDING BUILT PRIOR TO 1941. NO SIGNIFICANT ENVIRONMENTAL IMPACTS HAVE BEEN IDENTIFIED AND A MITIGATED NEGATIVE DECLARATION IS RECOMMENDED. APNS 529-16-021 AND 045. PLANNED DEVELOPMENT APPLICATION PD-05-1, ARCHITECTURE AND SITE APPLICATION S-05-15, NEGATIVE DECLARATION ND-05-03. PROPERTY LOCATION: 17005 AND 17017 ROBERTS ROAD. PROPERTY OWNER: KHURRAM IQBAL APPLICANT: LOUIE LEU ARCHITECTS


RECOMMENDATION:

1. Accept report in the form of meeting minutes from the Planning Commission regarding a Planned Development at 17007 and 17015 Roberts Road (Attachment 4).
2. Hold the public hearing and receive public testimony;
3. Close the public hearing;

Alternative A:

If Council decides to approve the proposed project, the following actions are required (additional conditions may be added to the Planned Development Ordinance):

1. Make the Negative Declaration (Exhibit L of Attachment 7);
2. Make the required findings (Attachment 1);
3. Adopt the Mitigation Monitoring Plan (Attachment 3);
4. Move to waive the reading of the Planned Development Ordinance (Attachment 2);
5. Direct the Clerk to read the title of the Planned Development Ordinance (Attachment 2);


PREPARED BY: BUD N. LORTZ,
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: PSS Assistant Town Manager OK Attorney _____ Clerk _____ Finance
✓ Community Development

Revised: 9/7/06 4:01 pm

6. Introduce the Ordinance to effectuate Planned Development Application PD-05-1 (Attachment 2).

Alternative B:

If the Council decides that changes should be made to the proposed project, it may:

1. Remand the project to the Planning Commission with direction about the required changes;
or
2. Continue the project to a date certain and provide specific direction to the applicant about the required changes.

Alternative C:

If the Council decides that the current zoning designation should not be changed, Council should deny the Planned Development Application PD-05-1.

BACKGROUND:

The applicant has provided a letter (Exhibit D of Attachment 7) that outlines the background for these properties. Staff has included the following highlights for the Council:

- September 27, 2000 - Planning Commission denied application for four detached condominiums at 17017 Roberts Road. This project did not include both parcels that are included in the proposed project.
- November 6, 2000 - Town Council denies appeal of Planning Commission denial and remands project back to staff.
- January 23, 2003 - Staff determined application was abandoned.
- November 12, 2003 - Conceptual Development Advisory Committee considered preliminary plans to demolish a pre-1941 three unit apartment building and subdivide the lot for five townhomes at 17005 Roberts Road. This project did not include both parcels that are included in the proposed project.
- December 30, 2003 - Current applicant purchased 17017 Roberts Road.
- February 11, 2004 - Conceptual Development Advisory Committee (CDAC) considered preliminary plans to demolish a single-family residence and a pre-1941 three unit apartment building and build 8 detached single family units on 17005 and 17017 Roberts Road.
- April 5, 2004 - Current applicant purchased 17005 Roberts Road.
- September 15, 2004 - Current application submittal for 17005 and 17017 Roberts Road.

DISCUSSION:

1. Project Summary

The applicant is requesting adoption of a PD which would include:

1. Approval of a zone change from RM:5-12 to RM:5-12PD for a project containing seven units; and
2. Architecture and Site approval to demolish one single-family residence and a three-unit apartment building built prior to 1941.

These approvals would allow for development of seven single-family residences (Bella Vasona). The 1.1 acre site (.99 acre net) is currently comprised of two parcels. The applicant proposes to subdivide the merged parcels into seven single family lots and one common lot.

Architecture and Site - The site currently contains one single family residence and one three-unit apartment building built prior to 1941.

The proposed single family homes will consist of seven two story market rate units (three different models) ranging in size from 1,808 to 1,986 square feet above grade. Each of the units will also include a cellar ranging in size from 797 to 870 square feet. Staff has included a performance standard that no additional square footage will be permitted for any of the units. The lots will range in size from 3,882 to 7,358 square feet. The two story houses will range in height from approximately 26 to 28 feet.

Although conceptual building elevations are required as part of a PD, the applicant has provided detailed architectural plans. A performance standard of the PD is that the Architecture and Site and Subdivision approval is required if the PD is approved. The full 300 foot public hearing notice would be provided for these applications.

Setbacks - The Site Plan (Sheet A-1 of Attachment 12) contains the proposed setbacks. These are the minimum setbacks that will be permitted if the PD is approved. As part of the proposed PD, the applicant is proposing to reduce the typical RM:5-12 setbacks as follows:

- The side setbacks of eight feet to a minimum of seven feet;
- The side setbacks abutting a street of twenty feet to a minimum of five feet six inches (adjacent to the private street) and eighteen feet six inches (adjacent to Blossom Hill Road);
- The front setbacks from 25 feet to a minimum of eighteen feet; and
- The rear setbacks from 20 feet to a minimum of fourteen feet.

Lot Width - As part of the proposed PD, the applicant is proposing to reduce the typical RM:5-12 lot width from sixty feet to fifty feet.

Lot Area - The minimum lot size is also proposed to be reduced from 8,000 square feet to a minimum of 3,882 square feet.

Fencing - As part of the proposed PD, the applicant is proposing to increase the allowed fence height from six feet to seven feet. Most of the fencing will be six feet high, with the exception of the fence on the property line shared with the adjacent auto dealership which will be eight feet, as allowed by Town Code and along Blossom Hill Road where the applicant is required to increase the fence height to seven feet to mitigate noise impacts from Blossom Hill Road.

Density - The proposed density of the development for the subject site is 7.1 units per net acre / 6.4 units per gross acre. The proposed density is consistent with the Medium Density range of 5-12 dwelling units per acre.

BMP - The project is subject to the current BMP requirements. Pursuant to Town Code, one BMP unit is required or an in-lieu fee may be paid. The applicant has chosen to pay the in-lieu fee (6% of the building permit valuation for the project) for this proposal.

2. Planning Commission

The Commission considered the proposed project on May 10, 2006 and continued the applications to July 12, 2006 and directed the applicant to redesign the project with the following comments:

1. Consider a development plan that mirrors the configuration of the Serra Court project to provide more open space between Blossom Hill Road and the proposed housing units;
2. Reduce or eliminate the sound walls adjacent to Blossom Hill Road;
3. Reduce the number of proposed exceptions;
4. Consider reducing the density and intensity of the proposed project;
5. Consider providing access to the rear yards of the adjacent condominium development;
6. Guest parking spaces should be contained in the common area;
7. Common areas should be delineated on the plans;
8. Re-evaluate the proposed Community Benefit.

On July 12, 2006, the Commission held a public hearing to review three modified site plans for the subject applications. See Attachment 8 for discussion regarding the three modified site plans. The Commission continued the applications to a date uncertain and directed the applicant to explore a reduction in density to address the following issues:

1. Privacy concerns of the adjoining condominiums;
2. Development of a community-friendly site plan;

3. Access to the rear yards of the condominiums;
4. Safety of the driveway location;
5. Reduction or elimination of the sound wall; and
6. Elimination of any units arranged in a back-to-back manner.

The applicant submitted a letter (Exhibit S of Attachment 9) outlining their position and requested that the Commission reconsider Option C (Sheet A-3 of Attachment 11) and recommend approval of this option to the Town Council. The Commission considered this matter on August 23, 2006 and recommended:

- Denial of the Planned Development to Town Council for the fourteen reasons outlined above (See Attachment 4 for verbatim minutes of each Commission meeting).

3. Staff Comments

Traffic/Access

A traffic study was prepared by the Town's Consulting Traffic Engineer. The proposed project will generate 67 trips per day, including five AM peak hour trips and seven PM peak hour trips. When traffic levels already generated by the existing residential uses are taken into account, the proposed project will result in a net increase of 37 trips per day, with three morning peak hour trips and four afternoon peak hour trips.

The traffic study raised a concern regarding queuing on the north bound Roberts Road approach to Blossom Hill Road. To address this concern, the traffic study requires the installation of a right-turn lane on the Roberts Road north bound approach to Blossom Hill Road so that a shared left turn-through lane and exclusive right-turn lane are provided (Condition #42 of Exhibit B of Attachment 7). Another concern raised by the traffic study is pedestrian access. To address this concern the traffic study requires a new, continuous sidewalk on the east side of Roberts Road adjacent to the project frontage (Condition #43 of Exhibit B of Attachment 7).

Primary access to the site is proposed from Roberts Road. The homes will be accessed from an internal private street that will connect with Roberts Road at the south end and Blossom Hill Road at the north end. Access from Blossom Hill Road will be restricted to emergency access vehicles only due to the limited sight distance on Blossom Hill Road and to avoid potential use of the private street by cut-through traffic.

The south end of proposed Bella Vasona Drive will intersect with Roberts Road approximately 90 feet east of the Roberts Road/Blossom Hill Road intersection. The traffic report identifies the potential for traffic conflicts during Fisher Middle Schools peak traffic periods. To address this concern signs will be installed prohibiting left turns to and from Bella Vasona Drive during Fisher Middle School's peak periods (Condition #44 of Exhibit B of Attachment 7).

Parking

The required parking for the seven units is twenty one parking spaces, at a ratio of three spaces per unit. A total of thirty five spaces will be provided at a ratio of five spaces per unit. Fourteen of these spaces are located in garages, fourteen spaces are in driveway aprons, and seven visitor spaces (one on each lot) are located adjacent to the proposed roadway.

Grading

The proposal will require an estimated 1,915 cubic yards of cut and 630 cubic yards of fill for a total of 2,545 cubic yards. Approximately 1,285 cubic yards of soil will be exported. A review of the Town's hazard maps indicates that the project site has a low potential for fault rupture, negligible slope stability hazard, moderate potential for seismic shaking, moderate shrink-swell potential, very low potential for liquefaction, slight erosion hazard, and no debris flow hazards. The Town's Fault Map indicates that the site is not located near any mapped faults. A geotechnical investigation was performed for the site and is discussed in the Geology and Soils section of the Initial Study (Exhibit L of Attachment 7). The results of the investigation determined that the site's surface and subsurface conditions are suitable for the proposed development if its recommendations are incorporated into the design and construction of the project. Condition #40 of Exhibit B of Attachment 7 requires that the recommendations in the geotechnical investigation be incorporated to minimize the potential impacts resulting from the identified geotechnical constraints. The Parks and Public Works Department determined that a peer review of this study was not required since there are no known geologic issues within the area and that the topography was not changing substantially.

Trees/Landscaping

The applicant's arborist reports (Exhibit F of Attachment 7) were peer reviewed by the Town's consulting arborist (Exhibit G of Attachment 7). There are a total of 44 trees on the subject site, 6 street trees on Blossom Hill Road, and 3 trees on adjacent properties to the east of the proposed project. A total of 22 trees on the subject site are proposed to be removed. Originally, the applicant was proposing to remove trees #28-30 but decided to retain them at the request of the adjacent neighbors. Additional review will be completed during the Architecture and Site process to ensure the retention of these trees (Condition #9 of Exhibit B of Attachment 7). The applicant is also proposing to replace 5 of the 6 existing street trees to the satisfaction of the Director of Parks and Public Works (Condition #10 of Exhibit B of Attachment 7). The sixth street tree will not be replaced because it is in the middle of the proposed emergency access at Blossom Hill Road. Additionally, three existing trees will be relocated. The applicant has provided a Landscape Plan showing proposed landscaping improvements for the proposed project (Sheet L-2 of Exhibit N of Attachment 7). The proposed tree removals are consistent with the Town's Tree Protection Ordinance given that tree removals are necessary for reasonable development of the existing site.

Open Space

There is no common open space area for the proposed development. The applicant feels that the following factors ensure sufficient opportunities for outdoor recreation:

- The proposed project will include 900-1,800 square feet of private open space for each parcel;
- All of the lots will have private rear and side yards; and
- The project is in close proximity to the Los Gatos Creek Trail, Vasona Park, and Oak Meadow Park.

Neighborhood Compatibility

There are existing multi-family residences abutting the eastern project boundary, the Los Gatos Oaks Apartments to the west across Blossom Hill Road, single-family residences (Serra Court) to the south across Roberts Road, Fisher Middle School across Roberts Road to the south (just east of Serra Court), and an auto dealership abutting the northern project boundary.

The proposed density of the development for the subject site is 7.1 units per net acre / 6.4 units per gross acre. The proposed density is consistent with the Medium Density range of 5-12 dwelling units per acre. The density of the development is compatible with the surrounding multi-family and single-family developments. The multi-family residential development to the east has a density of 9.89 units per acre, the single-family residences (Serra Court) to the south across Roberts Road has a density of 5.3 units per acre, and the approved Canyon Oaks/Los Gatos Oaks development (615 Blossom Hill Road) to the west is approved to have a density of 10.4 units per acres for the new units and 11.9 units per acre for the existing units.

Consulting Architect

The Town's Consulting Architect reviewed the proposed plans (Exhibit E of Attachment 7). The applicant has incorporated the Consulting Architect's recommendations. One comment the Consulting Architect had concerned proposed windows in close proximity to the edge of wall planes. The applicant will provide comments regarding this issue at the public hearing.

Neighborhood Concern

One outstanding issue with the adjacent multi-family development is that three of the property owners currently utilize the subject property to gain access to Roberts Road for yard waste removal. There is no easement or formal agreement for the use of the applicant's property for this purpose. Although this is a civil matter, staff has met with the applicant and a representative of the adjacent properties and discussed several options, but no agreement

has been reached. Ultimately, this is a civil issue which should be worked out by the affected property owners.

Community Benefit

The proposed project will generate more than five peak hour trips. The Town's Traffic Impact Policy requires projects that generate more than five peak hour trips to demonstrate that the benefits of the project outweigh the impact of increased traffic. The following items are the proposed community benefits for the proposed project:

- A \$15,000 contribution to the Blossom Hill sidewalk project (which is the remainder of the sidewalk project that does not currently have a funding source); and
- A contribution of \$5,000 for sidewalk improvements which would be comparable to the previous community benefit offering for construction of 75 lineal feet of sidewalk which was previously proposed, but is currently being completed by the Town; and
- A new street light at the southeast leg of the Blossom Hill road/Roberts Road intersection.

The Town has two policies applicable to this project's community benefits, the Traffic Impact Policy and the Community Benefit Policy. The Traffic Impact Policy requires the applicant to demonstrate that the benefits of the project outweigh the impacts of increased traffic. The Community Benefit Policy states that community benefits do not include items which are normally required by law or as a condition of approval for the project. The Community Benefit Policy contains examples of potential community benefits. Examples of community benefit offerings from recent applicants include contributions for sidewalk improvements on Blossom Hill Road between Oak Meadow Drive and University Avenue. Engineering is currently working on preliminary design concept and is identifying funding sources for this sidewalk section. This would be an ideal project for the applicant to offer to contribute towards for community benefit.

The Council should consider whether the proposed community benefits of the project outweigh the impact of increased traffic and are consistent with the Town's policies.

Conceptual Development Advisory Committee

On February 11, 2004, the Conceptual Development Advisory Committee (CDAC) considered preliminary plans to demolish a single-family residence and a pre-1941 three unit apartment building and build 8 detached single family units at the subject site. The Committee identified numerous concerns and comments about the proposal (Exhibit H of Attachment 7). The applicant has responded to CDAC's comments in Exhibit I of Attachment 7.

Historic Preservation Committee

On May 4, 2005, the Historic Preservation Committee considered the demolition of a pre-1941 three unit apartment building and recommended approval of the demolition (Exhibit J of Attachment 7).

Environmental Site Assessment

An Initial Study was prepared for this project (Exhibit L of Attachment 7). The areas of mitigation are as follows:

- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Noise
- Transportation/Traffic

The only response to the Initial Study came from the Valley Transportation Authority (VTA) who stated they would like an upgraded bus pad. VTA provided this standard recommendation in an attempt to reduce the wear and tear on the Town roadway caused by buses starting and stopping. The Town Engineering Department does not wish to have a bus pad constructed at this location. The Town is responsible for roadway maintenance and the decision to upgrade a bus pad lies with the Town.

The VTA proposed bus pad would consist of a 55-foot by 8-foot concrete pad constructed with one edge aligned with the existing face of curb. Blossom Hill Road was overlaid more than 10-years ago and there is no discernable deterioration in the asphalt at the bus stop and the proposed project is not expected to significantly impact bus ridership, the Town does not want an upgraded bus pad constructed in this location. In addition, the Town Engineering Department estimates that the bus pad upgrade would increase roadway maintenance costs. Staff has not included this request as a Condition of Approval.

CONCLUSION:

Staff concludes that the project is generally consistent with the General Plan and Zoning Code. The Commission reviewed the requested proposal and determined that the density and intensity were not appropriate even though the proposed density is on the lower end of the allowable density range (5-12 du/acre). The intensity is also similar to or less than other PD projects that have been approved. The proposed project is not requesting exceptions to Zoning requirements that are inconsistent with other similar PD projects that have been approved. Additionally, the proposed project is not unusually dense or intense when compared to other approved PD applications for similar projects. The following represents density and FAR ranges for other PD

applications:

	VILLA FELICE	VASONA RANCH	BOYER LANE	SERRA COURT	BELLA VASONA
<u>Density (du/gross acre)</u>					
Excluding BMP's	4.7	7.8	5.9	5.3	6.4
Including BMP's	5.6	8.6	6.7	5.3	6.4
Ex BMP's and slope/riparian area	5.5	7.8	12.0	5.3	6.4
Inc BMP's and ex slope/riparian area	6.5	8.6	13.7	5.3	6.4
<u>Overall FAR*</u>					
Gross site sq ft	.30	.32	.17	.28	.28
Net site sq ft	.39	.40	.23	.28	.31
Net and excluding slope/riparian area	.50	.40	.33	.28	.31

*Excludes garages and cellars

Note: Bella Vasona is the proposed project.

The Commission was challenged by this project, just as they have been challenged with similar projects in the past, because there are no specific design standards for small lot detached single family projects. The same or similar issues have been raised by the Commission in the past on these types of projects which the Council ultimately approved. Given the Commission's ongoing concern regarding the design of small lot single family projects, staff recommends that the Town develop design standards in the near future in an effort to assist property owners, the Commission, and the Council in designing and reviewing these types of projects.

The Council should review the proposal and determine if the proposed project (Attachment 12) or one of the other 3 alternatives (Attachment 11) are appropriate.

ENVIRONMENTAL ASSESSMENT:

It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared for this proposal.

FISCAL IMPACT:

None.

Attachments:

1. Required Findings.
2. Draft Planned Development Ordinance. *(Submitted under separate cover. Available at the Clerk's Office and Community Development Department).*
3. Mitigation Monitoring Plan *(Submitted under separate cover. Available at the Clerk's Office and Community Development Department).*

4. Excerpt from the Planning Commission minutes of May 10, July 12, and August 23, 2006 (*Submitted under separate cover. Available at the Clerk's Office and Community Development Department*).
5. Report to the Planning Commission, dated April 20, 2006 for the meeting of April 26, 2006 (*Submitted under separate cover. Available at the Clerk's Office and Community Development Department*).
6. Desk Item Report to the Planning Commission, dated May 10, 2006 for the meeting of May 10, 2006 (*Submitted under separate cover. Available at the Clerk's Office and Community Development Department*).
7. Report to the Planning Commission, dated May 4, 2006, for the meeting of May 10, 2006 (Exhibit K deleted and incorporated as Attachment 3 of this report, Exhibit M deleted and incorporated as Attachment 2 of this report, Exhibit N deleted and incorporated as Attachment 9 of this report) (*Submitted under separate cover. Available at the Clerk's Office and Community Development Department*).
8. Report to the Planning Commission, dated July 6, 2006, for the meeting of July 12, 2006 (Exhibit R deleted and incorporated as Attachment 11 of this report) (*Submitted under separate cover. Available at the Clerk's Office and Community Development Department*).
9. Report to the Planning Commission, dated August 17, 2006, for the meeting of August 23, 2006 (Exhibit R deleted and incorporated as Attachment 11 of this report) (*Submitted under separate cover. Available at the Clerk's Office and Community Development Department*).
10. Letter from the applicant requesting a hearing, received August 24, 2006.
11. Alternative Site Plans. (*Submitted under separate cover. Available at the Clerk's Office and Community Development Department*).
12. Development Plans. (*Submitted under separate cover. Available at the Clerk's Office and Community Development Department*).

Distribution:

Louie Leu Architect, 236 N. Santa Cruz Avenue #210, Los Gatos, CA 95030
Khurram Iqbal, 1100 N. First Street, Suite E, San Jose, CA 95112

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REQUIRED FINDINGS FOR

17005 and 17017 Roberts Road

Planned Development Application PD-05-01

Architecture and Site Application S-05-015

Negative Declaration ND-05-03

Requesting approval of a zone change from RM:5-12 to RM:5-12:PD for a seven lot residential subdivision and approval to demolish a single family residence and a 3-unit apartment building built prior to 1941. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 529-16-021 and 045.

PROPERTY OWNER: Khurram Iqbal

APPLICANT: Donna and Louie Leu

FINDINGS

- As required by Section 29.10.09030 (c) and (e) of the Town Code for the demolition of a historic 3-unit apartment building:
 - (c) *Demolition of historic structures.* A demolition permit for a historic structure may only be approved if:
 - (1) The structure poses an imminent safety hazard; or
 - (2) The structure is determined not to have any special historical, architectural or aesthetic interest or value.
 - (e) In architecture and site approval proceedings, the deciding body shall consider:
 - (1) Maintaining the Town's housing stock.
 - (2) Preservation of historically or architecturally significant buildings or structures.
 - (3) Property owner's desire or capacity to maintain the structure.
 - (4) Economic utility of the building or structure.
- As required by the Town's Traffic Impact Policy.
 - (1) The benefits of the project to the Town outweigh the impact of increased traffic.
- The Town Council must make a finding that the zone change is consistent with the General Plan.

N:\DEV\FINDINGS\17005&17017Roberts.wpd

LOUIE LEU
ARCHITECT, Inc.

24 August 2006

Mr. Joel Paulson
Town of Los Gatos, Community Development, Civic Center
110 E. Main Street
P.O. Box 949
Los Gatos, CA 95031

Location of Job: 17005 & 17017 Roberts Road, Los Gatos
PD-05-01, S-05-015, ND-05-03

Dear Mr. Paulson,

This is to request a hearing before the Town Council for the above referenced Bella Vasona project located at Roberts Road.

Please let us know when we may be placed on the agenda for such a meeting.

Sincerely,
LOUIE LEU ARCHITECT, Inc.

Louie Leu, AIA

Cc: Eden Homes, LLC (Khurram Iqbal)
Laura Worthington-Forbes

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